

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

In re Application of
ATIKU ABUBAKAR

For an Order Directing Discovery from
CHICAGO STATE UNIVERSITY Pursuant to
28 U.S.C. § 1782.

Case No. 23-cv-5099

**DECLARATION OF ANGELA M. LIU IN SUPPORT OF
THE APPLICATION PURSUANT TO 28 U.S.C. § 1782
FOR AN ORDER TO TAKE DISCOVERY FROM CHICAGO STATE UNIVERSITY**

I, Angela M. Liu, state and declare as follows:

1. I am a partner of the law firm Dechert LLP, and attorney of record for Applicant Atiku Abubakar (“Applicant”) in the above-captioned action. I have personal knowledge of the matters set forth in this declaration, except as where specifically noted below, and if called upon as a witness I could and would testify competently thereto.

2. I submit this declaration in support of the Application, pursuant to 28 U.S.C. § 1782, for an Order granting leave to serve the Subpoenas attached to the Application as Exhibits 1 and 2, respectively, upon Respondent Chicago State University (“CSU”).

3. It is a matter of public record that Applicant is a prominent businessman and politician in Nigeria. Applicant served as Vice President of Nigeria from 1999 to 2007, during the administration of President Olusegun Obasanjo. He won a contested primary to become the presidential candidate of the People’s Democratic Party, Nigeria’s principal opposition party, during the 2019 presidential election. He was again the presidential candidate of Nigeria’s

principal opposition party (the People’s Democratic Party, or “PDP”) in elections held in February 2023. The conduct and results of the elections—in which Bola Ahmed Tinubu (“Mr. Tinubu”) was declared the winner and Applicant was declared the runner-up—are currently the subject of legal proceedings in the Nigerian courts (the “Nigerian proceedings”), which include proceedings brought by Applicant.

4. Upon information and belief, Respondent CSU is a public university established and existing under the laws of Illinois, with its principal campus and offices in Chicago. *See* 110 ILCS 660; *see also* <https://www.csu.edu/>.

5. Both before and after the election, litigants commenced proceedings in the Nigerian courts challenging various aspects of the electoral processes and, later, the election results. Three of these proceedings are relevant to this Application: (1) proceedings commenced in November 2022, by Mr. Mike Enahoro-Ebah against Mr. Tinubu (“*Enahoro-Ebah v. Tinubu*”); (2) Applicant’s lawsuit, *Abubakar, et al. v. INEC, et al.*, which was commenced in March 2023; and (3) *Peter Obi and Labour Party v. INEC, Tinubu, et al.*, in the Court of Appeal at Abuja, CA/PEPC/03/2023, which commenced in March 2023.¹ Attached hereto as Exhibit A is the Complaint in *Enahoro-Ebah v. Tinubu*, and attached hereto as Exhibit B is the Complaint in *Abubakar, et al. v. INEC, et al.* CSU is not a party to these proceedings.

6. Attached hereto as Exhibit C is a copy of a diploma purporting to have been issued to Mr. Tinubu by CSU on June 22, 1979.

7. Attached hereto as Exhibit D is a copy of a document purporting to be a September 22, 2022 letter from the Registrar of CSU to Matthew J. Kowals, Esq.

¹ Mr. Obi was the third-place candidate in the Nigerian presidential election and is also challenging the election process and results.

8. Attached hereto as Exhibit E is a copy of a diploma purporting to have been issued to Mr. Tinubu by CSU on June 27, 1979.

9. Attached hereto as Exhibit F is a true and correct copy of a website page entitled The History Makers, Elnora D. Daniel, <https://www.thehistorymakers.org/biography/elнора-d-daniel-39>.

10. Attached hereto as Exhibit G is a true and correct copy of a website page entitled Illinois Department of Public Health, Adequate Health Care Task Force, Member Contact Information and Biography, Niva Lubin-Johnson, <http://www.idph.state.il.us/hcja/members/lubin.htm>.

11. Attached hereto as Exhibit H is a true and correct copy of the article by David Hundeyin, *Has Bola Ahmed Tinubu Committed Perjury? The Evidence Says Yes*, West Africa Weekly (Nov. 26, 2022), <https://westafricaweekly.substack.com/p/has-bola-ahmed-tinubu-committed-perjury>.

12. Upon information and belief, in Applicant's case against INEC that is currently pending, Applicant and the PDP have raised the allegations made in *Enahoro-Ebah v. Tinubu*, among other issues.

13. It is reported that Mr. Tinubu's counsel submitted a certification, purporting to be from Jamar C. Orr, the Deputy General Counsel of CSU, dated June 28, 2023, certifying twelve CSU documents, in the Nigerian proceedings. Attached hereto as Exhibit I is a true and correct copy of the article by Oluwatomisin Amokeoja, *President Tinubu Presents Educational and Immigration Records in Election Petition Defence*, Breaking News Network (July 4, 2023), <https://bnn.network/politics/courts-law/president-tinubu-presents-educational-and-immigration-records-in-election-petition-defence/>.

14. Upon information and belief, no CSU witness has appeared in any of the Nigerian proceedings relating to these issues.

15. Upon information and belief, the Court of Appeals is expected to issue a ruling on or before September 21, 2023.

16. With deadlines looming, Applicant's undersigned counsel wrote to CSU's General Counsel on July 10, 2023, requesting CSU to produce the same documents it had produced in response to Mr. Enahoro-Ebah's subpoena, and asking CSU to state whether it considered the June 22 diploma or the June 27 diploma (or both) to be authentic. Attached hereto as Exhibit J is a true and correct copy of that letter from Alexandre de Gramont to CSU's General Counsel, dated July 10, 2023.

17. Attached hereto as Exhibit K is a true and correct copy of the reply from CSU's General Counsel to Mr. de Gramont denying his requests, dated July 10, 2023.

18. My Chicago colleagues obtained a returned, file-stamped copy of the Subpoena at issue from the clerk on July 11, 2023, just as Mr. Enahoro-Ebah had apparently done in August 2022. Mr. de Gramont sent a courtesy copy of the subpoena to CSU's General Counsel. Attached hereto as Exhibit L is a true and correct copy of an email from Mr. de Gramont to CSU's General Counsel, dated July 11, 2023, with a courtesy copy of the Subpoena.

19. On July 12, 2023, I directed to have a process server personally serve the Subpoena on CSU. Attached hereto as Exhibit M is a true and correct copy of the subpoena with an affidavit of service.

20. Attached hereto as Exhibit N is a true and correct copy of correspondence between Mr. de Gramont and Michael Hayes, Esq., dated July 17-18, 2023. Mr. Hayes has advised the undersigned counsel that he is acting as outside counsel for CSU in this matter.

21. On July 18, 2023, the undersigned counsel held a videoconference with Mr. Hayes to discuss whether the subpoena could be narrowed or CSU's concerns could otherwise be addressed. Mr. Hayes reiterated that CSU would have to give notice to Mr. Tinubu.

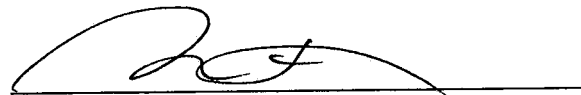
22. On July 19, 2023, without contacting Applicant's counsel or even filing a motion to intervene or an appearance in the Cook County Court proceedings, Attorneys Victor P. Henderson and Christopher W. Carmichael, counsel for Mr. Tinubu at the law firm of Henderson Parks, filed a motion to strike the petition, quash the subpoena, and for sanctions against Applicant's counsel.

23. Applicant initially opposed the motion. However, with deadlines approaching in Applicant's lawsuit in Nigeria—and with uncertainty as to the timing by which the Cook County proceedings would proceed—Applicant notified CSU and Mr. Tinubu on July 27, 2023 that he would withdraw the Cook County Court petition and subpoena, and the undersigned counsel advised Mr. Tinubu and CSU's counsel that Applicant intended to file this petition under 28 U.S.C. § 1782 and would stipulate to Mr. Tinubu's intervention in this above-captioned action.

24. The next day, on July 28, 2023, Applicant filed a motion for voluntary dismissal and withdrew the application. Attached hereto as Exhibit O is a true and correct copy of the Motion for Voluntary Dismissal.

Pursuant to 28 U.S.C. § 1746, I declare, under penalty of perjury under the laws of the United States of America that the foregoing is true and correct to the best of my knowledge, information, and belief.

Executed this 2nd day of August, 2023



Angela M. Liu